

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, October 15, 2003**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, October 15, 2003, at 3:30 p.m. in the Council Chambers at the Stryker Building.

**CALL TO ORDER and ATTENDANCE**

Chairman Freiling called the meeting to order. Present in addition to Mr. Freiling were Commissioners Friend, Hertzler, Smith, and Pons. Commissioners Young and McBeth were absent. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy, and Secretary Scott.

**MINUTES**

Mr. Pons moved that the minutes of the August 20 regular meeting be approved with a correction made by Mr. Freiling. Mr. Friend seconded the motion which carried by roll call vote of 5-0.

**MATTERS OF SPECIAL PRIVILEGE**

**Beautification Awards Presentation**

Chairman Freiling turned the meeting over to Mayor Jeanne Zeidler for presentation of the 2003 Beautification Awards.

Mayor Zeidler stated that Williamsburg has long enjoyed a reputation as an attractive and welcoming city. This is the third annual recognition program developed by the city's Beautification Advisory Committee to recognize those who have enhanced this beauty and aided in the environmental health of our citizens and visitors. She thanked the members of the Committee who have worked on the program: Dianne Spence, Chairman; Laura Viancour representing Colonial Williamsburg; Audrey Smith, representing the Planning Commission; John McFarlane, representing the College of William and Mary; Karen Jamison, member at large; Fleming Buck, representing the Chamber of Commerce and businesses; and Russell Tabb representing the City Council. Mayor Zeidler added that in addition to the award certificates presented today, a Beautification Award sign will be installed on the property receiving the award. This sign will remain at the location for one year, and will recognize outstanding contributions in the area of beautification and serve as an example for others to follow.

The winners were:

Category 1 Neighborhoods

Category 2 Businesses

- ♦ Bed & Breakfast
- ♦ General Business
- ♦ Hotel/Motel

Category 3 Service Clubs

**COUNSELOR'S CLOSE**

**THE FOX AND GRAPE INN  
WILLIAMSBURG GENERAL STORE  
INTERNATIONAL HOUSING VILLAGE  
HOLLY HILLS GARDEN CLUB**

Category 4 Individual  
Category 5 Institutions

**MARION ROSE ABBITT  
WALSINGHAM ACADEMY**

Mayor Zeidler concluded the presentations by thanking the winners for all they have done to make our City even more special for our visitors, as well as for those of us who live here.

Although not recognized Award winners, Chairman Freiling thanked all City residents and businesses that continue to work on the beautification of our City.

As a member of the Committee, Commissioner Smith said that the Committee would appreciate the community's support and asked that next year everyone consider nominating deserving individuals/businesses during the nomination process.

## **CONSENT AGENDA**

Mr. Pons moved that the item on the Consent Agenda be approved. This item is **SPR #03-13**, Newport Hospitality Group – construct pool addition for Quality Suites, 1406 Richmond Road. The property is zoned General Business District B-3. The motion was seconded by Mr. Hertzler and carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Pons, Freiling, Friend, Smith
No:	None
Abstain:	None
Absent:	McBeth, Young

## **PUBLIC HEARINGS**

Chairman Freiling announced that due to the large number of audience members wishing to comment, there will be a five minute limit on remarks.

**PCR #03-18: Amendment of the Zoning Ordinance to create the LB-2 Limited Business College District; to reduce the size of parking spaces and drive aisles for residential parking; and to establish a parking requirement for student-oriented multifamily dwellings. These changes will create a new zoning district, and associated regulations, that will allow the construction of student-oriented multifamily dwellings at a density of 88 bedrooms per net developable acre as a special use permit use; allow other uses such as single-family detached dwellings, convenience stores without gasoline sales, hotels/motels and timeshare units, offices, restaurants without drive-thru windows, and retail sales establishments; and allow offices and retail sales establishments in buildings larger than 50,000 square feet, and parking garages, with a**

**special use permit. The Commission recommended denial by a vote of 5-0.**

**PCR #03-19: Rezoning of approximately 6.1 acres on the south side of Richmond Road from Brooks Street to the Southern Inn from General Business District B-3 to Limited Business College District LB-2 [800, 902, 906, 1006, 1012, 1021, 1214, 1220 Richmond Road]. The Commission recommended denial by a vote of 5-0.**

Mr. Nester reviewed the memorandum dated October 10, 2003 regarding both PCR #03-18 and PCR #03-19. He noted that the need for housing for college students at William & Mary is a critical issue affecting the quality and character of downtown neighborhoods. To this end, a new zoning district is proposed on Richmond Road, which will replace the B-3 District from the Southern Inn to Brooks Street. This district will allow the construction of student-oriented multifamily dwellings at a density of 88 single-occupancy bedrooms per net developable acre as a special use permit use; allow other uses such as single-family detached dwellings, convenience stores without gasoline sales, hotels/motels and timeshare units, offices, restaurants without drive-thru windows, and retail sales establishments; and allow offices and retail sales establishments in buildings larger than 50,000 square feet, and parking garages, with a special use permit. In addition, other zoning changes are proposed that will reduce parking space size from 9' x 18' to 8.5' x 18', and drive aisle width from 24 feet to 20 feet. A parking requirement for student-oriented apartments of 0.75 spaces per bedroom is also proposed.

Mr. Nester said that City staff has met with Lakis and Demetrious Florakis (Prometheus Investments, Inc.), owners of the Southern Inn property at 1214 and 1220 Richmond Road. They are proposing to demolish the Southern Inn, Mistress Monica Palm Reader, My Sister's Place Florist, and residential units on the rear of the property, and to construct a three story student-oriented housing complex, consisting of 165 bedrooms in 42 dwelling units, with 124 parking spaces. He said that the zoning changes described above are needed to allow this specific project to proceed.

John Tarley, attorney for the project and Bob Magoon, architect, were present to respond to any questions regarding the proposal. Mr. Tarley said the applicant is anxious to get moving forward on the project, and suggested that the issue in question is whether student-oriented housing is a need, and if this project addresses that need without adversely imposing on the surrounding area. He stated that this project would raise the bar as to acceptable housing, and would be less of a burden than other uses might impose. Mr. Tarley said the housing project is attractive, gated, with strict leasing terms and run by a private company. He suggested that the rezoning of this property is crucial for maximum use of the property.

Mr. Freiling asked how it is known students will move from City neighborhoods into this housing, and Mr. Tarley responded that they wouldn't go forward with the project unless they knew they would have a favorable response. In response to Mr. Freiling's query regarding business being funneled to this Richmond Road area or to High Street

project, Mr. Tarley responded that the fact is that business centerpiece is the High Street Project, not this property.

Bob Magoon, Magoon and Associates, said this project is in response to the lack of off-campus student housing. He added that he has been involved with the development of a number of similar projects in different communities, but this is the first that would create housing within walking distance of not only the college, but grocery stores, library, movie theatre, and other businesses. This fact of course, would compute to fewer vehicles trips and the possibility of lessening parking requirements. The applicant anticipates attracting the older student who is more financially secure and able to rent in a facility more like that from which he's accustomed.

Chairman Freiling opened the public hearing.

**Marguerite Davis**, 200 Nelson Avenue, expressed concern about the proposed reduced size of parking spaces and drive aisles since many students now drive SUVs. The College of William and Mary wishes not to expand, unlike other state institutions, such as James Madison, that are huge and continue to expand in response to state directives. Mrs. Davis concluded by saying she suspects other commercial development could fit in this location.

**Inge Curtis**, 706 Richmond Road, president of the Greater West Williamsburg Heights organization of seven neighborhoods, expressed the organization's opposition to the proposal. She said this location needs to have not only an improved appearance, but also economic vitality. The proposal contradicts the 1998 Comprehensive Plan and would be highly detrimental to the surrounding neighborhoods. Ms. Curtis noted that the project would result in an increase in the population density and noise, loss of sales taxes, and require more police. She concluded her comments by saying she has a petition of 132 names opposing the student-oriented housing proposal.

**Darr Barshis**, 17 Forest Hill Drive, stated that he has lived in this area for over 20 years and encourages a slow and steady approach. The Comprehensive Plan Review process is due to begin in 2004 when possible courses of action will be discussed and if the decision is made that new zoning is necessary, the citizens can decide what should be in it and when and where it would best be implemented. Mr. Barshis concluded his comments by saying that before we pull more students off campus and put them on a site citizens formerly decided was best suited for commercial use; let the citizens first look at the whole plan for the City. Isn't this why we have a Comprehensive Plan Review process?

**Patti McKenzie**, 212 Lightfoot Road, said that she works with the homeless and proposes that Demetrious and his family conduct a study to determine if William and Mary students want this complex. In assisting homeless, Ms. McKenzie said she works with a number of churches who depend on the Southern Inn, the Tioga Motel, and others --- what will they do without these options? No one seems to be concerned with those who will be put on the streets.

**John Kaiser**, 609 Richmond Road, stated that he bought his home in 1980 works as a physician in critical care at the hospital. The area was very different then --- the residential area is losing control, student rentals have taken over, and he would like his elected officials to protect him and his property.

**Evelyn Lee**, 230 Griffin Avenue, owner of Tioga Motel at 906 Richmond Road, clarified that the motel has not been sold as part of the three-story student-oriented housing complex development and there is no contract for it to be sold. She bought the motel in 1990 and it is running at 100% occupancy. Prior to her purchase of the property there were many drug dealers, prostitutes, and pimps who stayed there. She has cleaned this element out and houses a number of people who work at the International House of Pancakes, which is just up the road from the motel. She reiterated that her motel has not been sold.

**Nancy Canning**, 209 Nelson Avenue, has lived in Williamsburg for 30 years. She noted that she is the secretary of the Greater West Williamsburg Heights Residential Association. She said she has divided her comments into two sections. At this point Chairman Freiling stated that once everyone else present today has had the opportunity to speak, she may return to the podium with the second section of her comments.

Mrs. Canning said residents of the seven neighborhoods comprising the Association have seen a slow, but recently accelerated, deterioration of the neighborhoods. She said the changes in the ownership and occupancy of single-family houses in the seven neighborhoods, as well as in other City neighborhoods surrounding the College, have generated a host of "quality of life" issues for those who live in the area. She continued by saying that the proposal to rezone and the specific proposal to establish within the district a high density apartment building for student use, strikes her as an injection by the City of a malignant tumor into our midst while trying to convince us that the tumor is benign. She said the designation of only 124 parking spaces for 165 student residents is woefully inadequate since the students who do not own cars tend to be freshmen who are required to live on campus. It is the upperclassmen, virtually all of whom own cars, who would live in off-campus housing. No provision for guest parking appears to have been made. Mrs. Canning concluded her comments by saying the applicant, Prometheus Investments, Inc., the owners of the Cornerstone Grill at 1203 Richmond Road, held its "First Annual Halloween Bash" on October 31, 2002 injecting amplified noise into the adjacent neighborhoods as late as 1:30 a.m. In addition to the noise, also demonstrated at the Bash was student behavior such as breaking glass and urinating in neighbor's bushes. She said this unfortunate episode has raised questions in her mind about the sensitivity on the part of these particular property owners as well as some of the personnel within City Management to citizens' long-term and ongoing concerns about the quality of life in our residential neighborhoods.

**Sara Steines**, senior at the College of William and Mary, said she has lived very happily at 321 N. Henry Street (Dianne Spence, landlord), for three years, but prior to that her experiences renting in the City were horrible. Landlords are a real problem; her requests were neglected and she was sexually harassed. She suggested that if this proposal is approved, it be under college restrictions. Many students she has spoken

with have no place to live and would jump at this housing opportunity that would offer a safer, cheaper, and easier option. A small percentage of college students behave in the manner noted by previous speakers, and Ms. Steines wants the community to know most students are more than happy to work with the community, in fact a lot of the students volunteer at local hospitals and schools.

**Antoinette McCulley**, 210 Matoaka Court since 1962, stated that she is deeply concerned about the many proposed changes to our existing Williamsburg City Code, and the proposed “student-oriented” housing development in our Corridor Protection District. She does not believe this complex would draw students away from other rentals in the City. She noted that auto accidents often occur in parking lots and reducing the size of aisles and parking places would only lead to an increase in accidents. The complex would considerably increase traffic on Richmond Road, and eventually there will be additional traffic when Treyburn Drive opens to new development. Residents on Matoaka Court are truly bottled in from this excessive traffic. This proposal is not in the best interests of the community and Mrs. McCulley urges denial.

**Linda Hertzler**, 605 College Terrace, stated that the City is not responsible for student housing. The proposed complex would not solve the housing problem, but create other problems such as parking overflowing into the adjacent neighborhoods, since parking at the complex is inadequate. She concluded by saying that she is very stressed with the prospect of the housing complex being approved at this location. She noted that students now trample flowerbeds and throw party cups on their property. Please consider the residents as well as the tourists who drive through the neighborhood and are impressed with the beauty of the area.

**Brian Cannon**, 2133 #3 South Henry Street, senior at the College and Student Body President, said there is a demand for students to have a single family dwelling experience with their own room and bath. He asked that owners of properties who are being encroached upon, please reach out and voice the issues; the majority of the students love and appreciate the beauty of the community and want to keep it that way.

**Nanci Bond**, 416 Suri Drive, suggested this proposal is ill-timed and approval would be a grave disappointment. The project would not allow revenue potential to be reached and would increase problems in the neighborhoods. The College has land that can be used for student housing, and in fact, it is not the community’s obligation to provide this housing. The proposal needs further study.

**David Kranbuehl**, 201 Harrison Avenue, said he has lived in Williamsburg for 30 years and serves on a committee established to beautify Richmond Road. He asked why in the world we would do this knee-jerk spot zoning after the hours and hours it took for the current Comprehensive Plan to finally come to completion; it makes a farce out of the planning process. He said 80% of the residents signed the petition (the Greater West Williamsburg Heights Residential Association petition), and not one was excited about this proposal. There should be discussion regarding the concept of privately owned student housing. Rules need to be in place, fines established, consideration of

roles of additional police and fire demands, trash, traffic, and alcohol. Mr. Kranbuehl noted a Wall Street Journal article that stated that on a national level, 44% of college students are binge drinkers, 29% drive while drinking. Mr. Kranbuehl asks, "Do we want this?" The students he's talked with say they would not be interested in living in a dorm setting if there is a single family dwelling for rent where they could have their privacy, no rules, and more room. This complex would have a negative impact on the neighborhood since the students will cut through neighboring yards, and the City will lose revenue. He added that this would be a horrible use of his tax money. Residents have no interest in this proposal...totally opposed. Needs to be fully discussed and studied. The City should focus on residential restoration.

**David Braxton**, 125 Braxton Court, stated that at Mr. Altshuler's request, he'd like to read a letter written by **Benjamin Altshuler** who lives at 222 Virginia Avenue. Mr. Altshuler states that the Richmond Road corridor is a heavily traveled road and needs to present a clean and attractive appearance. There would be chronic litter as well as overflow parking into nearby residential streets if student housing is permitted in the proposed location. Housing students is not a community responsibility.

**Alec Brooker**, 212 Brooks Street, suggested the Commission follow Mr. Nester's recommendation and table the proposal in order to allow more time to evaluate the comments made at this public hearing. Mr. Brooker also asked that the Commission give Mrs. Canning the opportunity to complete her comments.

**Elizabeth Campbell**, 509 Randolph Street, said she has seen a deterioration of the area and is concerned about further deterioration due to irresponsible students. She said this location is not a good one for this proposal. Currently cars back up at Mt. Vernon and this complex would only increase the volume of traffic and accidents.

**Robert Casey**, 731 Richmond Road, said the Comprehensive Plan should be considered and spot zoning discouraged. The College and the City should communicate needs and make appropriate plans to satisfy those needs.

**Rosalind Revilock-Frost**, 720 College Terrace, commented that the state has the obligation to take care of the students, not the community. She said that about seven years ago there was a rape in her yard where it is very dark, but still there are no street lights; it is not safe. Ms. Revilock-Frost added that there is a *reason* for the ordinance that states that only three unrelated persons can room together. She concluded by saying that this proposal is ill-conceived and the College needs to take a look at their needs and provide housing for their students.

**Nancy Canning** returned to the podium with part two of her comments. Her comments addressed specific points in the proposal.

- Supposition: Construction of high-density housing for college students will reduce student rental pressures on the single-family residences in adjacent neighborhoods. Response: This proposal may actually tip the already precarious balance between owner-occupied properties and rental properties in favor of absentee landlords seeking additional properties to purchase for student rental.

- Supposition: Centralizing students in a high-density apartment building will facilitate “control” over problems related to student housing. Response: The plan calls for an adult on-site supervisor to be on duty in the building for “six daylight hours during weekdays” to take care of any problems that may arise. Anyone who has directly experienced student behavior, at all hours of the day and night and in particular on weekends, will regard any concept of “control” under the proposed conditions as ludicrous.
- Supposition: One student per bedroom. Response: A number more reflective of human behavior as it actually exists might very well envision two or more students per bedroom.
- Supposition: Concept of 124 parking spaces for 165 residents. Response: Not only is the number of parking space 25% less than the total number of residents, there is no accommodation whatsoever for visitor parking, and those who live in nearby neighborhoods can envision exactly where these extra cars will park.
- Supposition: Additional traffic implications? Response: Nowhere in the proposal have the traffic implications been addressed.
- Supposition: “Buffer?” to protect adjacent neighborhoods of Matoaka Court and College Terrace. Response: Distressingly inadequate and would serve in practice as a cosmetic but essentially ineffectual source of protection. Shrubbery cannot shield nearby neighborhoods from the noise emanating from boom boxes set in apartment windows, from the reverberations of car radios, or from late night shouting in parking lots. Nor will greenery or building setbacks protect the streets from the overflow parking that will inevitably occur.

Mrs. Canning concluded her comments by saying the request is based on a number of questionable premises, contingent on a series of questionable procedures, unrealistic, unenforceable in a number of important aspects, and undesirable from many points of view. The decision on this matter is certain to have a significant impact on the City’s future improvement or deterioration, as well as a very personal and direct impact on those who live in and own homes in the City’s only residential area along the Richmond Road corridor. She urges rejection of the proposal.

**David Kranbuehl** returned to the podium with the additional comment that he talked with Carol and Erwin Michael, potential owners of Suter’s Handcrafted Furniture at nearby 800 Richmond Road, and they are opposed to the proposal. In fact, he said, Mr. Michael stated that they would not buy the property on Richmond Road if this proposal is approved. It’s a bad idea and they are absolutely opposed to it.

**Jacob**, a senior at the College who lives at 406 E. Nicholson Street, stated that he is secretary of public affairs at the College. He believes the College and the City of Williamsburg need to ensure that students are part of the discussion on this topic. The community gets a lot from the College, and needs to be receptive to dialogue and the improvement of the relationship between the two.

**David Smith**, a junior at the College, said there needs to be objective discussion between the College and City. The College is a huge asset to the community and if the



City will give, the College will give. A better relationship would result in better behavior from the students.

John Tarley, 112 Yorkshire Drive, and attorney for the applicant, stated that he hadn't addressed the emotional aspects of the proposal in his previous comments. There is a 24 hour site supervisor. He asked that the Commission move forward and make a decision today.

There being no additional comment the public hearing was closed.

Commission comments included:

- Mr. Pons said there are lots of questions to be answered in regard to this proposal. One of the most prevalent messages received today is that through the Comprehensive Plan process the issue of student housing needs to be addressed.
- Mr. Hertzler stated that there is no need to table the proposal, there is enough information now to make a decision. He said the issue needs to be dealt with through the Comprehensive Plan process.
- Mr. Friend stated that he agrees with Mr. Hertzler.
- Mr. Freiling stated that the Planning Commission only makes a recommendation to City Council, the Comprehensive Plan is due for review beginning in January, 2004, and the issues, as previously discussed, need more time for review. He said he had concerns about required parking, size of parking spaces, overall density, and four vs. three unrelated persons per dwelling unit.

Mr. Hertzler moved that the Planning Commission recommend that **PCR #03-18** be denied. Mr. Pons seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith, Freiling
No:	None
Abstain:	None
Absent:	McBeth, Young

Mr. Pons moved that the Planning Commission recommend that **PCR #03-19** be denied. Mrs. Smith seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith, Freiling
No:	None
Abstain:	None
Absent:	McBeth, Young

**PCR #03-22: Amendment of Chapter 21, Zoning, Article III, Division 9, Tourist Business District B-2 and Division 10, General Business District B-3,**

**to allow freestanding automatic teller machines. The Commission recommended approval by a vote of 5-0.**

Mr. Nester reviewed the memorandum dated September 23, 2003 and noted that when this section of the Zoning Ordinance had last been reviewed, ATMs had not been as prevalent as they are today. This amendment would allow ATMs to be located in the front yard of shopping centers and other commercial buildings. The ATMs will need to meet front and side yard setback requirements, and will need to be approved by the Architectural Review Board when located in an AP or CP District.

Chairman Freiling opened the public hearing.

There being no comment the public hearing was closed.

Mr. Friend moved that the Commission recommend that the Zoning Ordinance be amended to add freestanding automatic teller machines (ATMs) as a permitted use in the B-2 and B-3 Districts.

Mr. Freiling noted that the amendment makes a lot of public safety sense.

Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith, Freiling
No:	None
Abstain:	None
Absent:	McBeth, Young

**PCR #03-23: Amendment of Chapter 21, Zoning, Article III, Division 6.1, Limited Business Downtown District LB-1, to delete the floor area ratio requirement and allow parking in a front yard area for single-family detached dwellings. The Commission recommended approval by a vote of 5-0.**

Mr. Nester reviewed the memorandum dated October 7, 2003 and remarked that we need to be sure our ordinances are not hindering development. This amendment is a minor housekeeping issue.

Currently the LB-1 District prohibits parking in the front yard, and the purpose of this restriction was to help preserve the more residential character of this area. This would prohibit a parking lot in the front yard, but it does not prohibit commercial or residential driveways. With a residential driveway, it is very difficult to prohibit parking in the driveway between the street and the house. For this reason, it is proposed to remove the "no parking in the front yard" restriction for single-family detached dwellings. Parking in front yards for commercial uses would still be prohibited.

Chairman Freiling opened the public hearing.

**Nanci Bond**, 416 Suri Drive, stated that if the intent is to allow parking on the driveway, it needs to be clearly stated. She urged that the Commission clarify the language of the proposed amendment.

There being no additional comment the public hearing was closed.

Mr. Hertzler moved that the Commission recommend approval of the amendment with the following underlined language clarification:

**Sec. 21-252. Yards.**

The yard requirements in the limited business downtown district LB-1 are as follows:

(1) *Front.*

k. Parking, except for parking for single-family detached dwellings in accord with Sec. 21-705.1, shall be prohibited in a front yard.

Mr. Friend seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith, Freiling
No:	None
Abstain:	None
Absent:	McBeth, Young

**OPEN FORUM**

Chairman Freiling opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

**SITE PLANS AND SUBDIVISIONS**

**SPR #03-11: George Tsoucalas - construct single family dwelling at 8 Wildwood Lane in Port Anne Subdivision. Construction will be on 30% slopes, which requires a waiver from Planning Commission. The property is zoned Planned Unit Development District PUD. The Commission approved the waiver by a vote of 5-0.**

Mrs. Murphy reviewed the memorandum dated September 12, 2003 and noted that both Mr. Tsoucalas and his attorney, Vernon Geddy, III are here today to respond to any questions.

In response to Mr. Hertzler's comment that he walked the lot and there is quite a slope to it, Mr. Tsoucalas said the slope is a 30% one, but only about 18 degrees. Hertzler added that a timber wall, such as the one approved by the BZA, has a life span of only 20 years and maybe a masonry one would be more suitable. Mr. Tsoucalas clarified that the timber retaining wall will not be providing any retaining properties since a masonry wall is located in front of the timber wall.

Mr. Hertzler moved that the waiver be approved for the following reasons:

- The 1981 Comprehensive Plan, in effect at the time of the original approval for Port Anne Subdivision in 1985, did not recommend restricting development on steep slopes.
- Port Anne was approved as a PUD, which was intended to "... encourage quality housing and well-located community facilities, to protect the natural beauty of the landscape, to encourage preservation and more efficient use of open space ...". This waiver is needed to allow building on a lot that was approved as a part of the Planned Unit Development under the previous Zoning Ordinance, when there was no restriction for building on 30% or greater slopes.
- The buildable area outside the 30% slope area severely restricts the use of the lot based on setbacks imposed by the PUD requirements for Port Anne.
- The Board of Zoning Appeals approved a special exception with conditions to allow the dwelling to encroach into the Resource Protection Area.

Mr. Friend seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith, Freiling
No:	None
Abstain:	None
Absent:	McBeth, Young

**SPR #03-13: Newport Hospitality Group – construct pool addition for Quality Suites, 1406 Richmond Road. The property is zoned General Business District B-3. The Commission approved the site plan under the Consent Agenda.**

**PCR #03-13: Request of the Colonial Williamsburg Foundation to create a 42.741 acre parcel for the proposed vehicle maintenance facility at 7239 Pocahontas Trail (42.396 acres within the City). The zoning of the City property is MS Museum Support District, and the zoning of the James City County property is B-1 General Business District. The Commission approved the request with contingencies by a vote of 4-0-1.**

Mr. Nester reviewed the memoranda dated October 10 and October 15, 2003 in which contingencies were detailed. In the latter memorandum the items that still need resolution were noted. He noted that representatives from Colonial Williamsburg are

present today to respond to any questions. Mr. Hertzler stated that he is one of the Commissioner's serving on the Site Plan Review Committee, and having reviewed the previous site plan for this applicant, this submittal seems to reflect the Committee's recommended revisions.

Mr. Pons moved that Planning Commission approve the final subdivision plat, contingent upon the Colonial Williamsburg Foundation addressing the James City County comments as outlined in their letter dated October 8, 2003.

Mr. Friend seconded the motion which carried by roll call vote of 4-0-1.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith
No:	None
Abstain:	Freiling
Absent:	McBeth, Young

**SPR #03-12: Colonial Williamsburg Foundation – construct vehicle maintenance facility at 7239 Pocahontas Trail (approved as a special use permit – PCR #03-12). The property is zoned Museum Support District MS. The Commission approved the final site plan with contingencies by a vote of 4-0-1.**

Mr. Nester reviewed the memoranda dated October 9 and October 15, 2003 in which contingencies were detailed and mostly resolved. In the latter memorandum the items that still need resolution were noted.

Commission comments included:

- Significance of 30% slope waiver is that development is encouraged on high and dry, more stable areas.
- Details are hoped to be ironed out within the next two weeks with actual construction scheduled for mid-November.

Mr. Friend moved that Planning Commission grant a 30% slope waiver for the four areas identified on the site plan, and approve the site plan contingent upon the following:

1. Resolution of all engineering details.
2. Addressing the items outlined by James City County in their letter dated October 13, 2003.
3. Completing the following items prior to the issuance of a land disturbing permit for the project:
  - a. Final approvals from Newport News Waterworks and James City Service Authority.
  - b. Approval and recordation of a BMP maintenance agreement.
  - c. Obtaining a VPDES permit from the state Department of Environmental Quality (DEQ).

- d. Recordation of the subdivision plat for the project (PCR #03-13).

Mrs. Smith seconded the motion which carried by roll call vote of 4-0-1.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith
No:	None
Abstain:	Freiling
Absent:	McBeth, Young

**PCR #03-24: Request of the Colonial Williamsburg Foundation to resubdivide 320 North Henry Street (Cary Peyton Armistead house) by reducing the size of 320 North Henry Street to 0.186 acres and creating a new lot at 326 North Henry Street of 0.205 acres. The Commission approved the subdivision with contingencies by a vote of 4-0-1.**

Mr. Nester reviewed the memorandum dated October 7, 2003 in which he noted that the result of approval of this request would be five similar-sized lots along the west side of North Henry Street, and north of the driveway to the City Square area. By adding one additional lot to the area, five well-located lots would be created for development or redevelopment along North Henry Street.

Mr. Hertzler moved that the request to resubdivide 320 North Henry Street be approved with the contingency that PCR #03-23, the elimination of the floor area ratio requirement in the LB-1 District, be approved. Mr. Pons seconded the motion which carried by roll call vote of 4-0-1.

Recorded vote on the motion:

Aye:	Hertzler, Friend, Pons, Smith
No:	None
Abstain:	Freiling
Absent:	McBeth, Young

**OLD BUSINESS** - None

**NEW BUSINESS**

Buffer and Landscape Standards

Upon request from the Regional Issues Committee, Chairman Jay T. Harrison, Sr., has written to James City County, York County and the City of Williamsburg, requesting that each jurisdiction review its current minimum buffer and landscape standards and insure that the standards provide an adequate level of protection and aesthetic control along the entrance corridors of the Historic Triangle. It was the general opinion of the Committee that a higher minimum standard was probably needed in some instances.

Mr. Hertzler moved that Planning Commission recommend no changes to the City's Greenbelt regulations. Mr. Friend seconded the motion which carried by roll call vote of 5-0.

Williamsburg Planning Commission Minutes  
October 15, 2003

Recorded vote on the motion:

Aye:	Hertzler, Friend, Freiling, Pons, Smith
No:	None
Abstain:	None
Absent:	McBeth, Young

Mr. Nester will draft a letter to the Regional Issues Committee with the above determination.

**OTHER**

2004 Meeting Schedules

Meeting Schedules for 2004 were distributed to Planning Commissioners.

**INFORMATION ITEMS**

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

**PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 19, 2003 - None**

The meeting adjourned at 7:00.

Paul Freiling, Chairman  
Williamsburg Planning Commission